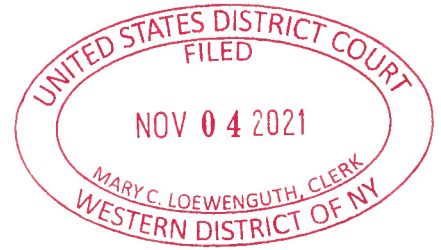


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

Plaintiff,

Case # 18-CR-6094-FPG

v.

VERDICT FORM

XAVIER TORRES
a/k/a PISTOLITA,

Defendant.

We the Jury, return the following verdicts in United States v. Xavier Torres,
Docket No. 18-CR-6094-FPG.

COUNT 1

Conspiracy to possess with intent to distribute and/or to distribute, cocaine and/or heroin, beginning in or about 2015 through on or about January 29, 2018, in the Western District of New York, in violation of Title 21, United States Code, Section 846.

We the Jury render the following verdict with respect to Count 1:

() Not Guilty

(☒) Guilty

Only if you find Defendant Xavier Torres guilty on Count 1, proceed to parts (a), (b), (c), and (d). If you find the Defendant Xavier Torres not guilty of Count 1, proceed to Count 2.

(a) We the Jury find that the allegation that Defendant Xavier Torres conspired to possess with intent to distribute **cocaine** is:

☒ Proven

☐ Not Proven

If you find that part (a) is proven, then proceed to part “(a)(1)”, otherwise, proceed to part “(b)”.

- (1) We the Jury find that Defendant Xavier Torres conspired to possess with intent to distribute the following amount of **cocaine**: (mark only one)

☒ 5 kilograms or more
☐ 500 grams or more, but less than 5 kilograms
☐ less than 500 grams

- (b) We the Jury find that the allegation that Defendant Xavier Torres conspired to distribute **cocaine** is:

☒ Proven ☐ Not Proven

If you find that part (b) is proven, then proceed to part “(b)(1)”, otherwise, proceed to part “(c)”.

- (1) We the Jury find that Defendant Xavier Torres conspired to distribute the following amount of **cocaine**: (mark only one)

☒ 5 kilograms or more
☐ 500 grams or more, but less than 5 kilograms
☐ less than 500 grams

- (c) We the Jury find that the allegation that defendant Xavier Torres conspired to possess with intent to distribute **heroin** is:

☒ Proven ☐ Not Proven

If you find that part “(c)” is proven, then proceed to part “(c)(1)”, otherwise, proceed to part “(d)”.

- (1) We the Jury find that defendant Xavier Torres conspired to possess with intent to distribute the following amount of **heroin**: (mark only one)

☒ 1 kilogram or more

☐ 100 grams or more, but less than 1 kilogram
☐ less than 100 grams

(d) We the Jury find that the allegation that defendant Xavier Torres conspired to distribute **heroin** is:

☒ Proven ☐ Not Proven

If you find that part “(d)” is proven, then proceed to part “(d)(1)”, otherwise, proceed to Count 2.

(1) We the Jury find that defendant Xavier Torres conspired to distribute the following amount of **heroin**: (mark only one)

☒ 1 kilogram or more
☐ 100 grams or more, but less than 1 kilogram
☐ less than 100 grams

COUNT 2

Knowing and unlawful use or carry of firearms during and in relation to, or possession of firearms in furtherance of, a drug trafficking crime beginning in or about 2015 through on or about January 29, 2018 in the Western District of New York, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), and 2.

We the Jury render the following verdict with respect to Count 2:

() Not Guilty (✓) Guilty

If you find defendant Xavier Torres guilty on Count 2, proceed to parts “(a)” and “(b)”, otherwise proceed to Count 3.

(a) We the Jury find the allegation that the firearm was brandished during and in relation to, or in furtherance of, a drug trafficking crime is:

✓ Proven _____ Not Proven

(b) We the Jury find the allegation that the firearm was discharged during and in relation to, or in furtherance of, a drug trafficking crime is:

✓ Proven _____ Not Proven

I certify the above verdicts to be true, accurate, and unanimous.

Dated: November 4, 2021.

JURY FOREPERSON NAME REDACTED